

## REMARKS

The above Amendments and these Remarks accompany a Request for Continued Examination following a final Office Action mailed November 2, 2006.

Currently, claims 21-32, 34-44 are pending. Claims 40-44 are new.

### I. Telephone Interview Summary

On January 30, 2007, during a telephonic interview, applicants' practitioners Michelle Esteban and Burt Magen briefly summarized for Examiner Chowdhury and her supervisor, Chris Grant, the arguments set forth in the response to the final Office Action dated January 8, 2007, namely the issue of where the computer which performs the comparison of the event data to the alert parameter is located in the Omoigui reference (2005/0086688).

Applicants' practitioners pointed out that paragraph [0044] of the Omoigui reference says nothing specifically regarding the computer being local to the client. Figure 1 of the Omoigui reference was discussed to show that the encoder/server 14 and the client are in fact separated by a network.

Supervisor Grant suggested that the independent claims in the present application need clarification as to where the comparison is actually performed.

Applicant's practitioners would again like to thank Examiner Chowdhury and her supervisor, Chris Grant, for their time and willingness to discuss these issues during the telephonic interview.

II. Rejection of Claims 21-23, 25-28, 30-32, 34-37, and 39 Under 35 U.S.C. §102(e)

Claims 21-23, 25-28, 30-32, 34-37, and 39 have been rejected under 35 U.S.C. §102(e) as being anticipated by the Omoigui reference. Because Omoigui does not disclose all of the limitations of claims 21-23, 25-28, 30-32, 34-37, and 39, Applicant asserts that the claims are patentable over the cited prior art.

Claim 21 is not anticipated by the Omoigui reference because Omoigui does not disclose that the “customer premise equipment stores said alert parameter for **only one output device**” and that the customer premise equipment provides “an alert for said user of said customer premise equipment via said output device,” as recited in claim 21. Instead, Omoigui discloses a system that operates for multiple output devices.

Each viewer is given an opportunity to register with encoder/server 14 for notifications concerning multiple live electronic broadcasts... Each client viewing device is interactive in the sense that it allows a viewer to enter information which is then passed on to the encoder/server 14... Once the viewer requests are received by the encoder/server 14, it creates entries in a database 18 that it manages. Each of the entries corresponds to a particular viewer's choices.... Once the encoder/server receives the triggered event, it conducts a search of the database 18 to identify all of the viewers that have registered for notifications. Once the viewers are identified, individual notifications are sent from the encoder/server 14 to the client viewing devices 12 (p. 3, paragraph [0035]).

Omoigui discloses a system that stores preferences and creates alerts for multiple viewers. The reference does not disclose the claimed features of storing an alert parameter and providing an alert for “only one output device.” Because these features are not disclosed in Omoigui, the reference does not anticipate claim 21. Claims 22, 23, 25-28, and 30 depend from claim 21 and, therefore, are patentable over the prior art for the same reasons as claim 21. Applicant further asserts that new claims 43 and 44 are patentable over the prior art for at least the same reasons as claim 21.

Independent claim 31 is not anticipated by the Omoigui reference because Omoigui does not disclose that “comparing said event data to an alert parameter ...is performed at and by said customer premise equipment” and the “customer premise equipment is directly connected to said output device,” as recited in claim 31. In the Omoigui references, the encoder/server 14 performs the comparison and the encoder/server 14 is not “directly connected to said output device.” Rather, encoder/server 14 is in communication with the output device via a network. Therefore, Omoigui does not disclose all of the limitations of claim 31 and claim 31 is patent over the cited prior art. Claims 32 and 34 depend from claim 31 and, therefore, are patentable over the prior art for the same reasons as claim 21. Claims 35-37 and 39 are patentable over the prior art for the same reasons as claim 31.

Furthermore, claim 21 is not anticipated by the Omoigui reference because Omoigui does not disclose that the “event data is received via a network from a server located remote from said customer premise equipment,” “said customer premise equipment is local to a user and said server is located remote from said user,” and “said comparison is performed at and by said customer premise equipment,” as recited in claim 21. Instead, Omoigui discloses an encoder/server 14 that performs the comparison of event data to an alert parameter. This encoder/server 14 is not “customer premise equipment” since it is separated from the customer service equipment by a network (see Fig.1 of Omoigui). Therefore, the cited prior art does not teach that “said comparison is performed at and by said customer premise equipment,” as recited in claim 21. Since these features are not disclosed in Omoigui, the reference does not anticipate claim 21. Claims 22-23, 25-28, 30-32, 34-37, and 39 are distinguishable over the cited prior art for the same reasons.

### III. Rejection of Claims 24 and 38 Under 35 U.S.C. §103(a) Over Omoigui in View of Blackketter

Claims 24 and 38 have been rejected under 35 U.S.C. §103(a) as being obvious over Omoigui in view of Blackketter. Because the cited prior art, alone or in combination, does not

teach or suggest all of the limitations of the rejected claims, Applicant asserts that the claims are in condition for allowance.

Regarding claim 24, neither Omoigui nor Blackketter discloses that the “customer premise equipment stores said alert parameter for only one output device” or “said comparison is performed at and by said customer premise equipment.” Regarding claim 38, neither Omoigui nor Blackketter discloses that the “customer premise equipment is directly connected to said video monitor” or “said comparison is performed at and by said customer premise equipment,” For example, Blackketter discloses scheduling the recording of television shows, with no mention of the claimed features discussed above. Therefore, the combination of the Omoigui and Blackketter references do not disclose all of the limitations of claims 24 or 38.

#### IV. Rejection of Claim 29 Under 35 U.S.C. §103(a) Over Omoigui in View of Kim

Claim 29 has been rejected under 35 U.S.C. §103(a) as being obvious over Omoigui in view of Kim. Because the cited prior art, alone or in combination, does not teach or suggest all of the limitations of the rejected claims, Applicant asserts that the claims are in condition for allowance.

Neither Omoigui nor Kim discloses that the “customer premise equipment stores said alert parameter for only one output device” or “said comparison is performed at and by said customer premise equipment,” Instead, Kim discloses a graphic interface device for use with digital television in order to view a program guide, with no mention of the claimed features discussed above. Therefore, the combination of the Omoigui and Kim references do not disclose all of the limitations of claim 29.

Applicant asserts that claims 21-32 and 34-44 are in condition for allowance. Based on the above amendments and these remarks, reconsideration of claims 21-32 and 34-44 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned practitioner by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: March 2, 2007

By: /Michelle Esteban/  
Michelle Esteban  
Reg. No. 59,880

VIERRA MAGEN MARCUS & DENIRO LLP  
575 Market Street, Suite 2500  
San Francisco, California 94105-4206  
Telephone: (415) 369-9660  
Facsimile: (415) 369-9665